

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

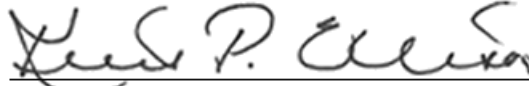
DYNA-DRILL TECHNOLOGIES INC,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-03-5599
	§	
KENNAMETAL INC; dba CONFORMA CLAD INC,	§	
	§	
	§	
Defendant.	§	

MEMORANDUM AND ORDER

Plaintiff Dyna-Drill prevailed in this declaratory judgment action and now moves for recovery of its trial costs. Defendant Kennametal Inc., d/b/a Conforma Clad ("Conforma Clad") has challenged Dyna-Drill's requests for deposition transcript costs, daily trial transcript costs, photocopying expenses, and electronic imaging costs. After considering the parties' filings and oral arguments and the applicable law, the Court finds that Dyna-Drill is entitled to recover the following costs: \$13,300 for deposition transcripts, as agreed by the parties; \$11,854.50 for daily trial transcripts, which were necessary in the context of this technical and complex case; \$660 for photocopying, reflecting the agreed-upon rate of 10 cents per page; and \$6,539.22 for electronic document imaging, which is conceptually indistinguishable from photocopying and which is taxable under the Fifth Circuit's decision in *Holmes v. Cessna Aircraft Co.*, 11 F.3d 63 (5th Cir. 1994).

IT IS SO ORDERED.

SIGNED this 15th day of September, 2005.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

Keith P. Ellison
United States District Judge

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS
ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY
AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN
SENT ONE BY THE COURT.**